

IN THE SENATE

SENATE BILL NO. 1323

BY EDUCATION COMMITTEE

AN ACT

RELATING TO PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND; AMENDING SECTION 33-1009, IDAHO CODE, TO REVISE THE NUMBER OF PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND AND TO PROVIDE THAT THE PAYMENTS SHALL BE MADE BY THE DEPARTMENT OF EDUCATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1009, Idaho Code, be, and the same is hereby amended to read as follows:

33-1009. PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND.

1. a. Payments of the state general account appropriation for public school support shall be made each year by the state ~~board~~ department of education to the public school districts of the state in ~~five~~ four (54) payments. Payments to the districts shall be made not later than the fifteenth day of August, ~~the first day of October~~, the fifteenth day of November, the fifteenth day of February, and the fifteenth day of May each year. The first ~~two~~ (2) payments by the state ~~board~~ department of education shall be approximately ~~thirty~~ fifty percent (~~35~~50%) of the total general account appropriation for the fiscal year, while the second and third, ~~fourth and fifth~~ payments shall be approximately twenty percent (20%) each, and the fourth payment approximately ten percent (10%) ~~and ten percent (10%)~~, respectively, except as provided for in section 33-5209C, Idaho Code. Amounts apportioned due to a special transfer to the public school income fund to restore or reduce a deficiency in the prior year's transfer pursuant to subsection 4. of this section shall not be subject to this limitation.

b. Payments of moneys, other than the state general account appropriation, that accrue to the public school income fund shall be made by the state ~~board~~ department of education to the school districts of the state on the fifteenth day of November, February, May and July each year. The total amount of such payments shall be determined by the state department of education and shall not exceed the amount of moneys available and on deposit in the public school income fund at the time such payment is made.

c. Amounts apportioned due to a special transfer to the public school income fund to restore or reduce a deficiency in the prior year's transfer pursuant to subsection 4. of this section shall not be subject to the limitation imposed by paragraphs a. and b. of this subsection.

2. Payments made to the school districts in August, ~~October~~ and November are advance payments for the current year and may be based upon payments from the public school income fund for the preceding school year. Each school district may receive its proportionate share of the advance payments

1 in the same ratio that its total payment for the preceding year was to the  
2 total payments to all school districts for the preceding year.

3 3. No later than the fifteenth day of February in each year, the state  
4 department of education shall compute the state distribution factor based on  
5 the total average daily attendance through the first Friday in November. The  
6 factor will be used in payments of state funds in February and May. Atten-  
7 dance shall be reported in a format and at a time specified by the state de-  
8 partment of education.

9 As of the thirtieth day of June of each year the state department of edu-  
10 cation shall determine final payments to be made on July fifteenth next suc-  
11 ceeding to the several school districts from the public school income fund  
12 for the school year ended June 30. The July payments shall take into consid-  
13 eration:

14 a. The average daily attendance of the several school districts for the  
15 twenty-eight (28) best weeks of the school year completed not later than  
16 the thirtieth of June;

17 b. All funds available in the public school income fund for the fiscal  
18 year ending on the thirtieth of June;

19 c. All payments distributed for the current fiscal year to the several  
20 school districts;

21 d. The adjustment based on the actual amount of discretionary funds per  
22 support unit required by the provisions of section 33-1018, Idaho Code;

23 e. Payments made or due for the transportation support program and the  
24 exceptional education support program. The state department of educa-  
25 tion shall apportion and direct the payment to the several school dis-  
26 tricts the moneys in the public school income fund in each year, taking  
27 into account the advance made under subsection 2. of this section, in  
28 such amounts as will provide in full for each district its support pro-  
29 gram, and not more than therefor required, and no school district shall  
30 receive less than fifty dollars (\$50.00).

31 4. If the full amount appropriated to the public school income fund  
32 from the general account by the legislature is not transferred to the public  
33 school income fund by the end of the fiscal year, the deficiency resulting  
34 therefrom shall either be restored or reduced through a special trans-  
35 fer from the general account in the first sixty (60) days of the following  
36 fiscal year, or shall be calculated in computing district levies, and any  
37 additional levy shall be certified by the state superintendent of public  
38 instruction to the board of county commissioners and added to the district's  
39 maintenance and operation levy. If the deficiency is restored or reduced  
40 by special transfer, the amount so transferred shall be in addition to the  
41 amount appropriated to be transferred in such following fiscal year and  
42 shall be apportioned to each school district in the same amount as each would  
43 have received had the transfer been made in the year the deficiency occurred.  
44 The state department of education shall distribute to the school district  
45 the full amount of the special transfer as soon as practical after such  
46 transfer is made. In making the levy computations required by this subsec-  
47 tion the state department of education shall take into account and consider  
48 the full amount of money receipted into the public school income fund from  
49 all sources for the given fiscal year. Deficits in the transfer of the ap-  
50 propriated amount of general account revenue to the public school income

1 fund shall be reduced by the amount, if any, that the total amount receipted  
2 from other sources into the public school income fund exceeds the official  
3 estimated amount from those sources. The official estimate of receipts from  
4 other sources shall be the total amount stated by the legislature in the ap-  
5 propriation bill. The provisions of this subsection shall not apply to any  
6 transfers to or from the public education stabilization fund.

7 5. Any apportionments in any year, made to any school district, which  
8 may within the succeeding three (3) year period be found to have been in error  
9 either of computation or transmittal, may be corrected during the three (3)  
10 year period by reduction of apportionments to any school district to which  
11 over-apportionments may have been made or received, and corresponding ad-  
12 ditions to apportionments to any school district to which under-apportion-  
13 ments may have been made or received.